

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

APR 18 2006

MISC.#

3:06 mc47

U.S. DISTRICT COURT
W. DIST. OF NC

FOR THE MATTER OF THE STATE OF)
NORTH CAROLINA SUBPOENA FOR U.S.)
PROBATION OFFICER JIM KENT)

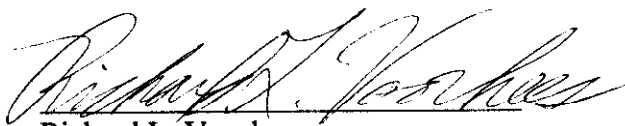
ORDER

THIS MATTER is before the Court on request of the Chief U.S. Probation Officer for the Western District of North Carolina and arises from the issuance of a State of North Carolina Subpoena for the testimony of U.S. Probation Officer Jim Kent and the production of government records relating to probationer Randy B. Thomas. The testimony and production of records in this proceeding may require disclosure of information protected by the Rules of this Court and the Federal Rules of Criminal Procedure.

Now; therefore, IT IS ORDERED that U.S. Probation Officer Jim Kent is not to appear in State Court or is he to give any pretrial, presentence or supervision information or produce any probation record relating to Randy B. Thomas unless summoner provides this Court sufficient written justification for the need of such information, and the Court instructs the Probation Officer to release it.

This Order shall take effect immediately and shall continue until further action of this Court.

IT IS SO ORDERED this 18th day of April, 2006.



Richard L. Voorhees
Chief U.S. District Court Judge

STATE OF NORTH CAROLINA

File No.

05 Cvd 3920

GASTON

County

In The General Court of Justice

☒ District ☐ Superior Court Division

CHRISTOPHER TODD DAVIS

Additional File Numbers

VERSUS

APRIL BOSTIC THOMAS

SUBPOENA / ORDER

G.S. 1A-1, Rule 45

Party Requesting Subpoena

☒ State/Plaintiff ☐ Defendant ☐ Other (specify)

T Name of Person Subpoenaed
Jim Kent, U.S. Probation Office
O Name of Second Person Subpoenaed
Name of Third Person Subpoenaed

(Note: A single subpoena may be used for as many as three persons if all have the same address. If documents are subpoenaed, only one person may be named.)

Address
200 S. College Street, Suite 1650
City, State, Zip
Charlotte, NC 28202

Telephone No.
(704) 350-7646

Alternate Address

City, State, Zip

Telephone No.

YOU ARE COMMANDED TO:

(check all that apply):

☒ appear and testify, in the above entitled action, before the court at the place, date and time indicated below.

☒ produce for the court the following items, at the place, date and time indicated below.

The complete probation file of Randy B. Thomas including, but not limited to, all probation records, reports, notes, correspondence, telephone logs, records maintained regarding the monitoring device, telephone messages and the like.

This subpoena is continuing in nature from day to day, week to week, and month to month. If this case is not completed on the date set, you will be expected to attend the next scheduled court hearing. You must contact the applicant's attorney listed below or the court to determine the next date and time of the hearing.

Name And Location of Court
Gaston County District Court (Courtroom "3C")
325 N. Marietta Street
Gastonia, North Carolina 28052

Date To Appear/Produce
April 19, 2006 and until released by the Court.

Time To Appear/Produce
9:30 ☒ AM ☐ PM

Name And Address of Applicant's Attorney
Terry Albright Kenny
117 East Main Avenue, P.O. Box 1476
Gastonia, North Carolina 28053

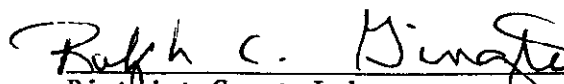
Date
April 12, 2006

Signature

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court
☐ Magistrate ☒ Attorney ☐ Party

Telephone No.
(704) 861-9199 Fax No. (704) 861-8988

This the 18th day of April, 2006.


District Court Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

MISCELLANEOUS NO.

MISC. 3:04 MC 113-M

IN RE:

ORDER DELEGATING AUTHORITY
TO DISCLOSE INFORMATION
ACQUIRED BY THE U.S. PROBATION OFFICE

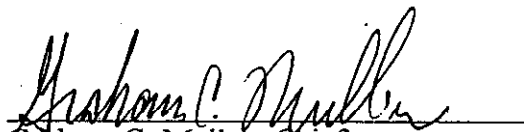
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U.S. DISTRICT COURT
W. DIST. OF N.C.

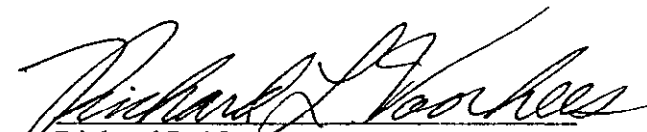
THIS MATTER is before the Court as a result of regulations and procedures adopted by the Judicial Conference of the United States at its March 2003 meeting concerning the production or disclosure of documents and the testimony of judiciary personnel in legal proceedings. This Court hereby delegates to the Chief United States Probation Officer for the Western District of North Carolina the authority to make disclosure decisions regarding any case information, including but not limited to pretrial services reports and information, presentence reports, and supervision information acquired or prepared by U. S. Probation Office personnel during the performance of official duties, which is requested by any federal, state or local authority for purposes of judicial or administrative proceedings. This delegation of authority does not apply to the disclosure of material that is governed by statute, regulation, or rule of procedure; or material specifically barred from disclosure by order of the Court in a particular case.

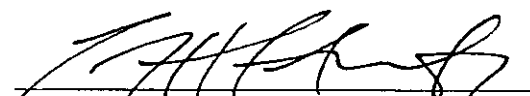
The Court further directs the Chief U. S. Probation Officer for the Western District of North Carolina to follow the rules and regulations adopted by the Judicial Conference entitled "Testimony of Judiciary Personnel and Production of Judiciary Records in Legal Proceedings."


This Order rescinds and supercedes Order 3:98-MC-55-MU dated April 27, 1998.

IT IS SO ORDERED, this the 9TH day of AUGUST, 2004.


Graham C. Mullen, Chief
United States District Judge


Richard L. Voorhees
United States District Judge


Lacy H. Thornburg
United States District Judge


H. Brent McKnight
United States District Judge

The request for the production of records shall set forth, or shall be accompanied by an affidavit setting forth, a written statement by the party seeking the production of records, or by counsel for the party, containing an explanation of the nature of the records sought, the relevance of the records sought to the legal proceedings, and the reasons why the records sought, or the information contained therein, are not readily available from other sources or means. This explanation shall contain sufficient information for the determining officer designated to determine whether or the records should be produced. Where the request does not contain an explanation sufficient for this purpose, the determining officer may deny the request or may ask the requester to provide additional information.

The request for the production of records, including the written statement shall be provided to the federal judicial personnel from who the production of records is sought at least fifteen (15) working days in advance of the time by which the production of records is to be required. Failure to meet this requirement shall provide a sufficient basis for denial of this request.